INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

IV 2384745

SUBJECT: **DEPUTY ROBERT RENKO, [redacted]**

DATE / TIME OF INCIDENT: **AUGUST 9, 2015, 1835 hours**

ALLEGATIONS:

It is alleged Subject Deputy Robert Renko, while off duty in his apartment, was involved in a domestic violence incident with his girlfriend, Witness [redacted] During an argument with Witness [redacted] Subject Renko placed her in a carotid restraint, took her to the ground and rendered her unconscious. Witness [redacted] called the Whittier Police Department, and Subject Renko was arrested for felony domestic violence.

SYNOPSIS:

On August 9, 2015, Witness [redacted] arrived at Subject Renko's apartment after she completed her Navy reserve drills for the weekend. She brought dinner for Subject Renko, who was alone in his apartment; however, he did not want to eat. While Witness [redacted] was in the kitchen, an argument ensued between them regarding their relationship. Subject Renko claimed he told Witness [redacted] to leave his apartment, and that [redacted] immediately attacked him by trying to knee him in the chest. She also kicked and scratched him. He claimed he spun her around to face away from him, and took hold of her with one arm around her upper torso and his other arm around her neck to control her. He took her to the ground and put his arm on her carotid. He was not sure if she was rendered unconscious.

Witness [redacted] said she argued with Subject Renko and threw his food in the trash and dishes into the sink. While at the sink, Subject Renko grabbed her from behind with his arm around her chest, and his other arm around her neck. Her back was against his chest. She tried to kick backward at him to stop his attack, and she swung her elbow backward at him. She felt Renko squeeze her neck, and she was rendered unconscious. She awoke lying face up on the kitchen floor. She said Subject Renko was kneeling over her, shaking her awake. When she screamed at him for choking her, he placed his hand over her mouth to quiet her. She left the apartment and sat in her car outside while she called 911 to report the incident. Subject Renko approached her car window and told her not to call the police because he would lose his job. When she continued with her call, he left the location in his car.

Whittier Police Department officers interviewed Witness [redacted] at the location, and then again at the police station. She was not arrested. A short time after their arrival at the location, Subject Renko called Witness [redacted] cell phone and spoke with the officers. Subject Renko informed the officers he was at Whittier Presbyterian Hospital. The officers responded to the hospital and interviewed Subject Renko. They ultimately arrested Subject Renko for felony domestic assault. Subject Renko had driven himself to the hospital to have his injuries documented/treated prior to the arrival of officers at his apartment. For more information, see the arrest reports, and photographs of Subject Renko and Witness [redacted] taken by officers, included in **Exhibit A**. During the investigation, officers interviewed both Subject Renko and Witness [redacted] which were recorded on their belt recorders, and again on video. They also included the 911 call placed by Witness [redacted] For more information, see the attached CD's and transcribed 911 call in **Exhibit B**.

On October 20, 2015, the District Attorney's office declined to file charges against Subject Renko. For more information, see the Los Angeles County District Attorney Charge Evaluation Worksheet included in **Exhibit C**.

IAB Note: [redacted]

INVESTIGATION:

Subject Renko was interviewed by Whittier Police Department officers while they conducted their investigation in the field. Subject Renko was arrested and taken to the Whittier Police Department for booking. He was interviewed on video. During Subject Renko's video recorded interview, he demonstrated to the interviewing officer how he took Witness [redacted] to the ground and how he applied the carotid restraint. For more information, see the attached interview video in **Exhibit B**. Both interviews were transcribed and are attached in this investigation for review.

Witness [redacted] was interviewed on tape by Whittier Police Department officers in the field. She was later interviewed again, on video, while at the Whittier Police Department. Her interviews were transcribed and are attached in this investigation for review.

During Witness [redacted] interview at the Whittier Police Department, she said she confronted Subject Renko in the past about his having dated another woman by the name of [redacted] She added, [redacted] told her she had made a complaint about Subject Renko. For more information, see Witness [redacted] transcribed interview, page 18. [redacted]

[redacted]

Numerous attempts were made by Internal Affairs Bureau (IAB) investigators to gain Witness [redacted] cooperation for an interview; however, she would not participate. Therefore, Witness [redacted] was not interviewed by IAB investigators.

> **IAB Note: Subject Renko, during his subject interview, told IAB investigators he resumed contact with Witness [redacted] including intimate relations, after his arrest for domestic violence involving Witness [redacted] and added they were getting along well.**

IAB investigators reviewed all of the written documents, voice recordings, and video obtained from the Whittier Police Department during their investigation into this incident. The police officers were not interviewed as part of this investigation.

IAB investigators interviewed Subject Robert Renko. The interview was digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.

Upon review of all the provided documents, and review of statements made by Witness [redacted] and Subject Renko, the following information is not disputed:

- This incident occurred on August 9, 2015, inside Subject Renko's apartment kitchen.
- Subject Renko and Witness [redacted] were in an intimate dating relationship at the time of the incident.
- Subject Renko and Witness [redacted] were the only two present during the incident.
- An argument between Subject Renko and Witness [redacted] occurred while in the kitchen.
- The argument escalated into a physical fight between the two.
- Subject Renko took hold of Witness [redacted] from behind, with her back against his chest, and his arms around her upper body and neck.
- Subject Renko physically took Witness [redacted] to the ground by holding onto her, and pulled her down to the kitchen floor.
- Subject Renko applied the carotid restraint which rendered Witness [redacted] unconscious.

IAB Note: Witness [redacted] said she went unconscious. Subject Renko said She may have gone unconscious, and described her actions during the carotid restraint, of ceasing to fight and yell for several seconds before resuming yelling at him.

- Witness [redacted] went to her car after the fight and called 911 to report the incident.
- Subject Renko told Witness [redacted] if she reported the incident, he would be fired.
- Subject Renko drove himself to the hospital, prior to officers responding.
- Whittier Police Officers responded, and conducted a criminal investigation.
- Subject Renko was arrested for Domestic Violence against Witness [redacted] Witness [redacted] was not arrested.
- Weapons and alcohol were not factors in this incident.
- Both Subject Renko and Witness [redacted] had visible injuries and complaints of pain as a result of the fight.
- The District Attorney's office declined to file criminal charges against Subject Renko.







COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

October 14, 2016

Deputy Robert Renko, #[redacted]

Dear Deputy Renko:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business November 4, 2016.

An investigation under IAB File Number IV2384745, conducted by Internal Affairs Bureau, coupled with your own statements, have established the following:

1. That in violation of the Manual of Policy and Procedures Section 3-01/030.16 Family Violence, Section 3-01/040.76 Obstructing an Investigation (as it pertains to Influencing a Witness and/or Delaying an Investigation), Section 3-01/030.15 Conduct Toward Others, Section 3-01/00.13 Professional Conduct – Core Values, and/or Section 3-01/030.05 General Behavior, when on or about August 9, 2015, you brought discredit and embarrassment upon yourself and/or the Los Angeles County Sheriff's Department, when you were arrested by Whittier Police Department for spousal assault, engaged in family violence, and/or took action that interfered with, delayed or unduly influenced an investigation, as evidenced by, but not limited to:

a. while off-duty, you were involved in a domestic violence incident with [redacted] Witness [redacted]

b. during an argument with Witness [redacted] you placed her in a carotid restraint, took her to the ground and rendered her unconscious;

c. then, while Witness [redacted] called 9-1-1, you approached her vehicle and told her not to call the cops, and/or said not to call 911, and/or tried to calm her down because you were scared that you would lose your job, and/or;

d. although you knew law enforcement officers had been called, you left the scene of the incident prior to them arriving to interview you, and drove to the hospital in order to be treated for your superficial injuries.

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.76 Obstructing an Investigation and/or Section 3/01.040.75 False Statements During Departmental Internal Investigations, when you made the following false statements:

a. When on or about August 9, 2015, you told Whittier Police officers that Witness [redacted] had a "history of her trashin' my place" and/or broke your fish tank; and/or

b. When on or about June 7, 2016, you told Internal Affairs investigators that Witness [redacted] "never destroyed my place before either."

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

In addition, over the past ten (10) plus years of your employment with the Sheriff's Department, prior allegations and/or incidents of sexual assault and/or domestic violence have been made against you, and investigated by the District

attorney and/or Sheriff's Department. These allegations and/or incidents are described in more detail below:

[redacted]

[redacted]

The current investigation and resulting charges stated above, [redacted]

Your temperament, character and pattern of violence have rendered you unsuitable for further employment, and at this time it can be reasonably anticipated, as demonstrated by you, that a lesser disciplinary action is no longer a viable option. You have been deemed beyond remediation.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Acting Chief Joseph M. Gooden, on November 3, 2016, at 1430 hours, in his office, which is located at 211 W. Temple Street, Room 804, Los Angeles 90012 If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 3, 2016 for your oral response, please call Acting Chief Gooden's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Acting Chief Gooden's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Acting Chief Gooden's office no later than November 4, 2016.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

John M. Roberts, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JMR:JMR:jr

cc: Advocacy Unit
Employee Relations Unit
Joseph M. Gooden, Acting Chief, Central Patrol Division
Internal Affairs Bureau
(File #IV2384745)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

February 27, 2019

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **ROBERT RENKO** for a hearing on his **discharge**, effective December 9, 2016, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 16-343.**

The Civil Service Commission, at its meeting held on February 20, 2019 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Nightingale was absent.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Steve Cheng
Interim Executive Director

Enclosure

c: Robert Renko
Michael Goldfeder
Nohemi Gutierrez-Ferguson
Carol A. Vendrillo

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the **discharge**, effective December 9, 2016, from the position of Deputy Sheriff, Sheriff's Department, of*)))))) **ROBERT RENKO (Case No. 16-343)**))	ORDER OF THE CIVIL SERVICE COMMISSION

On February 20, 2019, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Carol A. Vendrillo, to sustain the Department. Commissioner Nightingale was absent.

Dated this 27th day of February, 2019.

STEVEN AFRIAT, President

PERCY DURAN III, Member

Absent
NAOMI NIGHTINGALE, Member

JOHN DONNER, Member

Z. GREG KAHWAJIAN, Member

CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the Matter of an Appeal by

ROBERT RENKO,
Appellant

and

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT,
Respondent

Re: Dismissal of Robert Renko, Case No. 16-343

Hearing Officer

Carol A. Vendrillo, Esq.

June 25, 2018

Appearances:

For the Appellant:

Michael A. Goldfeder, Esq.
400 Continental Boulevard, 6th Floor
El Segundo, CA 90245

For the Respondent:

Nohemi Gutierrez Ferguson
Gutierrez, Preciado & House
3020 East Colorado Boulevard
Pasadena, CA 91107

INTRODUCTION

The Los Angeles County Sheriff's Department dismissed Robert Renko, the Appellant, from his position as a deputy sheriff on December 13, 2016 (Department Exhibit 3). He appealed that decision and a hearing was conducted in Los Angeles, California, by the undersigned Hearing Officer on March 20, 21, and 22, 2018. The parties introduced documentary evidence (as shown in the attached list of exhibits). Witnesses were called to provide sworn testimony during both direct and cross-examination. A verbatim transcript was made of the proceedings.

On or about May 10, 2018, the Civil Service Commission provided the Hearing Officer with the parties' closing briefs and the matter was deemed submitted.

ISSUES

The issue in dispute is as follows:

Are the allegations contained in the Sheriff Department's letter of December 13, 2016, true? If any or all are true, is the discipline appropriate?

FACTUAL SUMMARY

The Appellant has been a patrol deputy since 2001. At the time he was dismissed, he was assigned to the Compton Station. On August 9, 2015, while off duty, he was involved in an altercation with [redacted], a female with whom the Appellant had an "on again off again" relationship. Ms. [redacted] testified that before she arrived at the Appellant's apartment, she told him she was en route and was going to stop to pick up food for dinner.

Ms. [redacted] testified that when she arrived at the Appellant's apartment, she suspected he had been with another woman that afternoon. She became angry and

slammed the food items on the kitchen counter. She said the two exchanged verbal insults. She said she did not strike or scratch the Appellant but tried to hit him. Ms. [redacted] said the Appellant applied a carotid restraint, or chokehold, which caused her to lose consciousness and fall to the floor.

The Appellant testified he told Ms. [redacted] not to come to his apartment that day. When she arrived, the two argued and, according to the Appellant, Ms. [redacted] began throwing food and beverages around in his kitchen and broke glasses and plates. He said she punched him, kicked him, and scratched him. Fearing for his safety, he turned Ms. [redacted] body away from him and placed his arm across her chest. While his testimony is unclear as to whether he knowingly applied a chokehold, Ms. [redacted] ended up unconscious and on the floor.

Ms. [redacted] testified that when she regained consciousness, she gathered her belongings and left the apartment. She returned to her car that she had parked in a garage below the Appellant's apartment. While walking to her car, she called 911 and spoke to dispatch at the Whittier Police Department. Ms. [redacted] said she ended the conversation, but dispatch called her back.

According to the dispatch recording and transcript, she reported that the Appellant had attacked her and rendered her unconscious by application of a chokehold (Department Exhibits 12 and 13). She told Whittier Police Officer [redacted] the same thing while he was on scene (Department Exhibits 21 and 22). The police report states that the Appellant placed his right arm around Ms. [redacted] neck and squeezed her throat until she lost consciousness (Department Exhibit 8). A supplemental report

authored by Corporal [redacted] states that Ms. [redacted] said the Appellant "choked her out." (Department Exhibit 9.)

While Ms. [redacted] was sitting in her car, the Appellant approached her and told her not to call the police. When he learned she had called 911, he was concerned that his job was in jeopardy. The Appellant testified he left his apartment because he was concerned that Ms. [redacted] might be vandalizing his vehicle. He found Ms. [redacted] sitting in her vehicle. He admitted that he was upset to learn that Ms. [redacted] had called 911.

Ms. [redacted] spoke to Whittier police officers when they arrived on scene. Whittier Police Officer [redacted] took photographs of Ms. [redacted] body (Department Exhibit 25). The photos show bruises on the right side of her neck. She declined to be taken to a hospital for medical treatment.

Despite knowing that law enforcement had been summoned, the Appellant got in his car and left the scene. The Appellant left his apartment and drove a short distance to Whittier Presbyterian Hospital. At no time did the Appellant call 911 or initiate contact with law enforcement. While there or en route, he spoke to Corporal [redacted] and told him his location. The Appellant told Corporal [redacted] that he applied pressure to Ms. [redacted] carotid artery and she ended up passing out (Department Exhibit 23). The Appellant testified he went to the hospital to seek medical attention for injuries inflicted by Ms. [redacted] Photographs were taken of the Appellant's injuries (Department Exhibit 26). They show scratches on his neck, face, and arm.

The Appellant was arrested and taken to the Whittier Police Station where he was booked for domestic violence under Penal Code Section 273.5(a) (Department Exhibit 8).

The case was referred to the District Attorney's office for prosecution. The District Attorney did not go forward with charges. In the Charge Evaluation Worksheet, Deputy District Attorney Paul Minnetian wrote: "At the time Renko left for the hospital, it was clear that he knew that law enforcement intervention was inevitable. Based on his experience with [redacted] Hence his trip to the PIH emergency room for injuries that did not appear to require any meaningful medical treatment. This would serve to characterize him as a 'victim' and give legal 'justification' for his use of force upon the victim." (Department Exhibit 11.) On October 20, 2015, the D.A. declined to file charges, finding insufficient evidence to establish that the Appellant and Ms. [redacted] were not engaged in mutual combat.

Chief Bobby Denham initiated an internal affairs investigation (Department Exhibit 5). Sergeant Trent Denison and Sergeant Thomas Arellano conducted the IA investigation of the incident involving Ms. [redacted] Among other things, the investigators concluded that the Appellant applied a carotid restraint that rendered Ms. [redacted] unconscious (Department Exhibit 6).

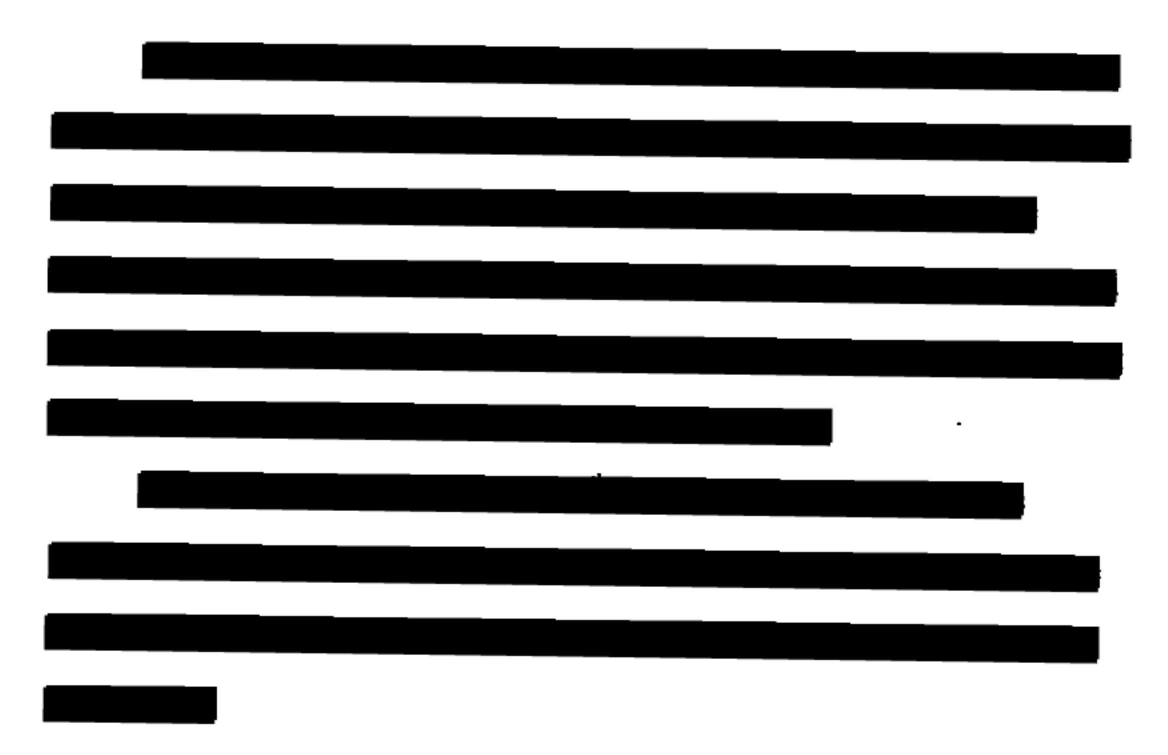
Panel members of the Review Committee reviewed the case. They concluded on October 11, 2016, that the Appellant would be discharged from his position (Department Exhibit 1). A letter of intent to discharge the Appellant was issued on October 14, 2016 (Department Exhibit 2). The Appellant exercised his right to respond. However, Chief Joseph Gooden upheld the Appellant's dismissal by letter dated December 13, 2016 (Department Exhibit 3).

Chief Gooden found that the Appellant was involved in a domestic violence incident with Ms. [redacted] and, during the altercation, placed her in a carotid restraint, took her to the ground, and rendered her unconscious. Chief Gooden found that the Appellant told Ms. [redacted] not to call 911 because he feared he would lose his job. The Appellant left the scene of the incident despite knowing that law enforcement officers had been called. Chief Gooden found that the Appellant drove to the hospital to have him self treated for superficial injuries (Department Exhibit 3).

Chief Gooden also found that the Appellant made false statements when he told Whittier Police Officers that Ms. [redacted] had a history of "trashing" his place, but subsequently told IA investigators that Ms. [redacted] had never before destroyed his apartment (Department Exhibit 3).

As part of his review of the pending disciplinary action, Chief Gooden considered [redacted]

[redacted]



[redacted]

CHARGES

The Appellant is charged with violating the Manual of Policy and Procedures Section 3-01/030.16 (Family Violence); Section 3-01/04.76 (Obstructing an Investigation [As it pertains to Influencing a Witness and/or Delaying an Investigation]); Section 3-01/030.15 (Conduct Toward Others); Section 3-01/00.13 (Professional Conduct -- Core Values); and/or Section 3-01/030.05 (General Behavior). These violations occurred on or about August 9, 2015, when the Appellant brought discredit and embarrassment upon himself and/or the Los Angeles County Sheriff's Department. He was arrested by the Whittier Police Department for engaging in spousal assault, family violence, and/or taking action that interfered with, delayed or unduly influenced an investigation.

The Appellant also is charged with violating Section 3-01/04.76 (Obstructing an Investigation) and or Section 3-01.040.75 (False Statements During Departmental

Internal Investigation) when he made inconsistent statements to Whittier Police Officers and Internal Affairs investigators.

PARTIES POSITIONS

The Respondent's position. The Appellant was involved in a domestic violence dispute with Ms. [redacted] during which he placed her in a carotid restraint that rendered her unconscious.

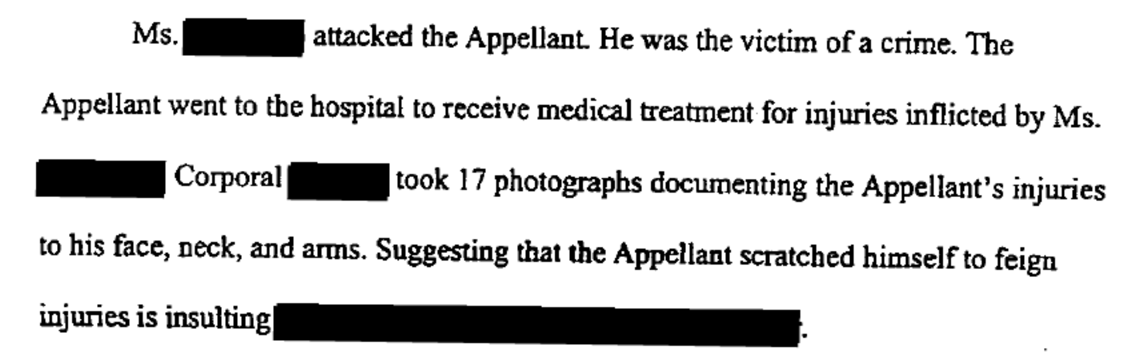
The Appellant told Ms. [redacted] not to call 911 because he did not want to lose his job. He left the scene of a domestic violence incident despite knowing that law enforcement officers had been called. He went to the hospital to be treated for superficial injuries in order to cast himself as the victim of the assault.

The Appellant made false statements during the IA investigation. He told Whittier Police Officers that Ms. [redacted] had "trashed" his place in the past. During the IA investigation, he said Ms. [redacted] never destroyed property at his residence before.

Under Department Guidelines for Discipline, discharge is the only appropriate level of discipline. [redacted]. The incident with Ms. [redacted] demonstrates that lesser discipline no longer is a viable option.

The Appellant's position. There is no basis in fact for terminating the Appellant. He was not arrested or charged with a crime. The Los Angeles County District Attorney's office found insufficient evidence to establish that the Appellant and Ms. [redacted] were not engaged in mutual combat.

The Appellant was issued a detention certificate, indicating that he was detained, but not arrested, by the Whittier Police Department.



Ms. [redacted] attacked the Appellant. He was the victim of a crime. The Appellant went to the hospital to receive medical treatment for injuries inflicted by Ms. [redacted] Corporal [redacted] took 17 photographs documenting the Appellant's injuries to his face, neck, and arms. Suggesting that the Appellant scratched himself to feign injuries is insulting [redacted].

Had the Appellant vacated his residence as suggested, Ms. [redacted] would have had access to the Appellant's firearms without a 15-day waiting period need to undergo a criminal records check.

The Department is punishing the Appellant for his promiscuity.

DISCUSSION

There is no dispute that on August 9, 2015, the Appellant was involved in a physical altercation with Ms. [redacted] The record reveals that the Appellant and Ms. [redacted] had a tumultuous relationship in the past, but no physical evidence was discovered by Whittier Police Officers on the day of the incident which supports the Appellant's claim that Ms. [redacted] had "trashed" his apartment in anger. On August 9, the two exchanged verbal barbs and their disagreement escalated into physical violence. During this encounter, it is undisputed that the Appellant caused Ms. [redacted] to lose consciousness and fall to the floor.

As Corporal [redacted] testified, the use of the carotid restraint is a high-level use of force that is potentially lethal. Even if Ms. [redacted] attacked the Appellant, his right to self-defense is not without limitation. The use of the chokehold was excessive and

disproportionate to the alleged aggressive acts of Ms. [redacted] Police Officer [redacted] an arrest control techniques instructor for the Whittier Police Department, also testified that the carotid restrain can be considered deadly force and should be used as a last resort only when one's life is in danger. There is no evidence that the Appellant's life was in danger or that the use of deadly force was justified.

Photographs of the Appellant's body show scratch marks on his face, neck, and arm [redacted] denied scratching the Appellant, but there is no evidence that the injuries were self-inflicted. However these injuries were sustained, the Appellant was entitled to seek appropriate medical treatment. But, given the nature of the injuries – superficial scratches to his face, neck, and arm – the Appellant was not compelled to seek immediate medical attention. The injuries did not provide a valid reason for the Appellant to leave the scene of his altercation with Ms. [redacted] when he knew that Whittier Police Officers were on their way to investigate an alleged criminal assault in which he had been a participant. As a law enforcement officer, it was especially inappropriate for the Appellant to leave the premises.

The Appellant's assertion that he was the victim of an assault by Ms. [redacted] is not credible. The Appellant weighs considerably more than Ms. [redacted] and is much taller. Ms. [redacted] fingernails were short and well groomed, inconsistent with the Appellant's scratch marks. In the photographs taken of Ms. [redacted] by Corporal [redacted] she did not appear disheveled. Her hair and uniform were in order. The fact that Ms. [redacted] was a student of martial arts does not establish that she used those skills against the Appellant. In fact, the Appellant did not claim that Ms. [redacted] had inflicted martial arts blows at the time he told Whittier Police Officers what happened.

While claiming to be a victim, the Appellant did not initiate a call to law enforcement or remain on the scene to make that assertion to the responding officers. In sum, the Appellant's claim that he was the victim of an assault by Ms. [redacted] is not believable.

The Appellant's conduct on August 9 is disturbingly similar to other incidents involving violence directed at women. In 2005, the Appellant was investigated for domestic violence perpetrated against [redacted] Like Ms. [redacted] she reported this incident to law enforcement. The Appellant was not charged criminally, but he received [redacted]

[redacted]. Indeed, [redacted] As Chief Gooden testified, in light of these prior incidents, termination became the only viable level of discipline.

The fact that criminal charges were not filed against the Appellant in any of these encounters does not shield him from disciplinary action. First, the standard imposed in criminal matters – beyond a reasonable doubt – sets a higher bar for prosecutors than that needed for administrative discipline. Just cause for discipline is not limited to instances when criminal conduct occurs. As Chief Gooden testified, the fact that a detention certificate was issued does not minimize the Appellant's conduct.

Chief Gooden also concluded that the Appellant's attempts to dissuade Ms. [redacted] from calling 911 interfered with her rights as a victim. Moreover, it is damaging to the Department's image when a sworn deputy seeks to interfere with the enforcement of criminal laws. By attempting to influence a witness, the Appellant obstructed a criminal investigation. In addition, by leaving the scene of the altercation, the Appellant delayed the investigation by law enforcement.

Chief Gooden also found that the Appellant lied to IA investigators. He told Whittier Police Officers that Ms. [redacted] had a history of "trashing" his place, but told IA investigators that she had never done so in the past. Such a finding renders the Appellant's testimony in future cases susceptible to impeachment by prosecutors.

There is no support for the notion that the Appellant should have vacated his residence, thereby allowing Ms. [redacted] to access his weapons. To the contrary, the Department correctly determined that the Appellant should not have left his residence prior to the arrival of Whittier Police Officers.

Finally, there is no basis for finding that the Department acted because it disapproved of the Appellant's promiscuity. As Chief Gooden explained, the Appellant's acts of violence [redacted] brought discredit to the Department and he no longer was capable of performing to the standards expected of the Los Angeles County Sheriff's Department.

FINDINGS OF FACT

1. On August 9, 2015, during an altercation at his residence, the Appellant was involved in an incident of domestic violence with his [redacted], Ms. [redacted] He

placed Ms. [redacted] in a chokehold that took her to the ground and rendered her unconscious.

2. Ms. [redacted] called 911 and reported the incident. The Appellant attempted to dissuade Ms. [redacted] from calling law enforcement because he feared it would cause him to lose his job.

3. The Appellant left the scene of the domestic violence incident knowing that Whittier Police Officers were responding to Ms. [redacted] 911 call. He should have remained on scene in order to assist the officers in their investigation into the complaint and, as he claimed, report that he was the victim of the assault.

4. The Appellant sought medical treatment at the Whittier Presbyterian Hospital for superficial injuries. Even if Ms. [redacted] inflicted these injuries, it is likely that the Appellant sought medical treatment in order to cast himself as the victim in the exchange with Ms. [redacted] and avoid criminal and administrative consequences.

5. The Appellant was arrested by the Whittier Police Department for spousal assault in violation of Penal Code Section 273.5(a).

6. The Appellant made untruthful statements during the internal affairs investigation. On August 9, 2015, he told Whittier Police Officers that Ms. [redacted] had a history of "trashing" his residence and claimed she broke his fish tank. On June 7, 2016, he told IA investigators that Ms. [redacted] never destroyed his residence.

7. [redacted]

8. Under the Department's discipline guidelines, discharge is the appropriate penalty.

CONCLUSIONS OF LAW

1. The Appellant violated the Manual of Policy and Procedures Section 3-01/030.16 (Family Violence). He physically assaulted Ms. [redacted] by applying a carotid restraint that rendered her unconscious.

2. The Appellant violated Manual of Policy and Procedures Section 3-01/04.76 (Obstructing an Investigation) by attempting to dissuade Ms. [redacted] from reporting the assault to law enforcement because he feared he would lose his job. In addition, the Appellant delayed the investigation into the assault by leaving the scene of the altercation knowing that law enforcement officers were in route.

3. The Appellant violated Manual of Policy and Procedures Section 3-01/030.15 (Conduct Toward Others) when he failed to treat Ms. [redacted] in a respectful, courteous, and civil manner.

4. The Appellant violated Manual of Policy and Procedures Section 3-01/00.13 (Professional Conduct – Core Values) when he directed an emotional outburst toward Ms. [redacted] and engaged in unprofessional conduct in her presence. His history of incidents involving physical violence directed toward females shows a pattern of undesirable behavior that is inconsistent with the Department's core values.

5. The Appellant violated Manual of Policy and Procedures Section 3-01/030.05 (General Behavior) when he brought discredit to himself and the Department. This occurs regardless of whether a criminal case is filed or results in a conviction or plea agreement.

6. The Appellant violated Manual of Policy and Procedures Section 3-01/040.75 (False Statement During IA Investigation) when he made false statement to investigators conducting an internal affairs investigation.

RECOMMENDATION

For the reasons expressed above, the undersigned Hearing Officer recommends that the dismissal of the Appellant be sustained.

Dated: June 25, 2018

Carol A. Vendrillo

CAROL A. VENDRILLO, ESQ.
Hearing Officer



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

December 13, 2016

Deputy Robert Renko, [redacted]

Date of Department Hire 11/08/2001

Dear Deputy Renko:

On October 14, 2016, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2384745. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on December 9, 2016.

An investigation under File Number IAB 2384745, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:



[redacted]

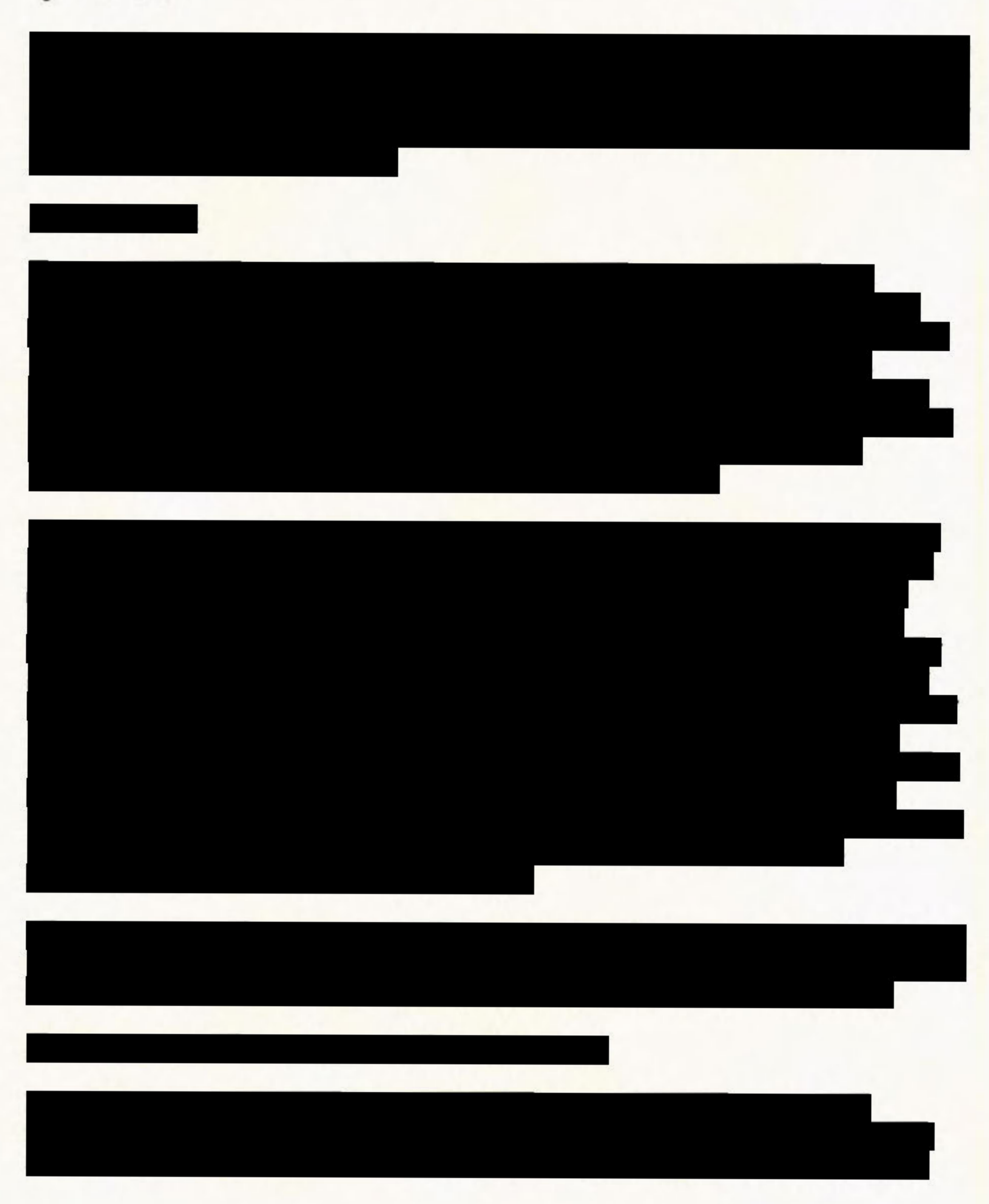
[redacted]

2. That in violation of the Manual of Policy and Procedures [redacted] Section 3-01.040.75 False Statements During Departmental Internal Investigations, when you made the following false statements:

a. When on or about August 9, 2015, you told Whittier Police officers that Witness [redacted] had a "history of her trashin' my place" and/or broke your fish tank; and/or

b. When on or about June 7, 2016, you told Internal Affairs investigators that Witness [redacted] "never destroyed my place before either."

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.



[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

JOSEPH M. GOODEN, ACTING CHIEF
CENTRAL PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

BDD:KM:JMR:tj

cc: Advocacy Unit
Bobby D. Denham, Chief, Central Patrol Division
Michael E. Thatcher, Captain, Compton Station
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration
Doreen Garcia, Manager, Pay & Leave Management



LOS AN .ES COUNTY DISTRICT ATTORN
CHARGE EVALUATION WORKSHEET

X FELONY MISDEMEANOR	AGENCY NAME WHITTIER PD AGENCY FILE NO. (DR OR URN) 15006301	DA CASE NO. 35298538 DA OFFICE CODE NOA	DATE 10/20/2015 VICTIM ASSISTANCE REFERRAL ☐ YES – NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) RENKO, ROBERT JOSEPH	PC	273.5(A)	08/09/2015	B
	DOB 02/24/1974 — SEX (M/F) M — BOOKING NO. 4391258	VIP X Yes – No VIP - (03) Intimate Partner Violence			
	__ Gang Member Name of Gang	__ Victim Gang Member Name of Gang:			
	Victim Name: [redacted]	Victim DOB: 09/23/1977			
2	NAME (LAST, FIRST MIDDLE))				
	DOB — SEX (M/F) — BOOKING NO.	VIP – Yes – No			
	Gang Member Name of Gang	__ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
3	NAME (LAST, FIRST MIDDLE))				
	DOB — SEX (M/F) — BOOKING NO.	VIP – Yes – No			
	Gang Member Name of Gang	__ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			

LAST NAME: RENKO FIRST NAME: ROBERT DA CASE NUMBER: 35298538

Comments

Background and History: Suspect Renko is a Deputy Sheriff employed by the Los Angeles County Sheriff's Department. He was previously the subject of a domestic violence investigation by LASD under URN 5-05-14115-1332-146 out of Lakewood Station. The Internal Criminal Investigations Bureau URN is 505-00018-2003-441. On 05-26-05, Renko and his then [redacted] were both arrested as mutual combatants for the crime of PC 273.5. Renko and his [redacted] each called 911 within 2 minutes of each other. During their respective calls, each characterized the other as the aggressor.

[redacted] stated that Renko had been drinking, was verbally abusive and had accused her of infidelity. She stated that Renko pushed her down onto the bed and that she responded by slapping his face. [redacted] stated that Renko squeezed her neck and that she scratched him to get away. [redacted] retreated to another room in the apartment that was occupied by a tenant, [redacted] She stated that Renko put her in a headlock by grabbing her neck with his arm, and then slammed her into a wall. He put her into a headlock again and walked her to the living room. [redacted] stated that Renko told her he would call the cops and send her to jail. [redacted] also described four prior acts of physical abuse by Renko. [redacted] was found to have a 1" round bruise to her bicep, two 1" crescent shaped abrasions on the left side of her neck, a ½" abrasion on the upper left side of her neck, and a ½" bruise on the front of her throat.

Renko was interviewed. He stated that he and his wife argued and that she began striking him. He stated that he placed both hands on her neck and she continued to strike him. Renko stated that he

pushed her away from him. Renko stated that [redacted] told him he would lose his job. Renko explained that [redacted] had gone to [redacted] room and that he tried to get her out of the room by pulling on her shoulder. Renko then left the house with his [redacted] and called 911. Renko was found to have two 1" abrasions on his left cheek, one 1" abrasion to the left side of his neck, and one ¼" round laceration on his left cheek. Renko declined an emergency protective order and stated that he did not want to prosecute his [redacted]

On 07-19-05, the DA's office declined to prosecute both Renko and [redacted] It could not be determined who the initial aggressor was. See DA Case Number 25298165. It should also be noted that both Renko and [redacted] were the subject of an [redacted] relating to their [redacted]. As to both parents, emotional abuse was substantiated as to their [redacted] (09-16-03). See E-SCAR 0028-4774-4957-7025701.

Current Case Presented For Filing Consideration: This case was investigated by Whittier PD under case number 15-6301. On 08-09-15 at approximately 18:33, Whittier PD was called to the suspect's apartment complex. The 911 call was placed by Suspect Renko's [redacted] Renko left the location prior to the arrival of police.

Victim was interviewed. [redacted] She is 5'-2" and 120 pounds. Renko was a Ranger in the US Army. He is 5'-10" and 210 pounds. Victim and Renko have no children together and have separate residences. Victim related to police that she and Renko have trust issues. She had finished her reserve drills and had brought food to Renko's apartment. She stated that Renko was upset and had questioned whether she had in fact gone to her drill because she forgot his tobacco dip. She related that he called her a whore. Victim was upset and threw away the steak she brought for Renko. Victim stated that that Renko came up from behind her and choked her out. Prior to losing consciousness, she tried to pull his arm away and hit his groin. Victim stated that when she regained consciousness, she was on her back on the kitchen floor and Renko was kneeling next to her, trying to rouse her. Victim related that she was angry about what he did to her and pulled his T-shirt down, tearing it. While she was preparing to leave, the suspect told her that she had scratched him. Victim stated that she told Renko that she never touched him. Upon leaving, victim called 911. Renko later came out and saw that the victim was making a 911 call. Per victim, Renko told her, "I can't believe you called 911. I'm going to lose my job." At that point Renko left the location in his car. While police were at the location, Renko called, stating that he was at Presbyterian Intercommunity Hospital. Renko was later contacted at the PIH emergency room. Victim was photographed by officers. The digital photos were of high quality and no injuries were apparent. Victim stated that her neck was sore. Paramedics examined her but she declined to go to the hospital. Victim was desirous of an emergency protective order. Victim was re-interviewed at the station. She denied scratching or hitting Renko. She stated that she was not desirous of prosecution and that she did not want Renko to lose his job. She also stated that alcohol use was not a factor in this incident.

Renko was contacted at the PIH emergency room. He told police that he and the victim had an on and off relationship for the past 5 years. He also mentioned that she had trained in Muy Thai, a martial art. Renko stated that the victim came to his home and they argued about relationship issues. The victim had thrown some food away and ultimately hit and punched Renko. He stated that he was hit on the right side of his face. Officers observed that Renko had redness to his upper chest near his neck, several scratches along the right side of his neck and behind his ear, and a long scratch on his right bicep. Photos of the injuries showed that the scratches were fresh and very pronounced, but were not bleeding. Renko's shirt was observed to be torn in two places at the neckline. Renko stated that the shirt was damaged when the victim pulled at it. Both at PIH and at the station after formal arrest, Renko described the force he used upon the victim. He stated that the victim was deliberately making a mess in the kitchen and that she swung at him. When she did so, he spun her around and used his left arm to capture her left arm. Once he was behind her, he placed his right arm around her neck with his right hand on her left shoulder. At this time, the victim was attempting to "donkey kick" him. Renko stated that he purposefully took victim down to the ground because she was attacking him. In the

course of taking her down, they both fell. He stated that he held on to her neck while they were down on the ground (about 4-6 seconds) and that maybe he cut her air off… "Her carotid." Renko stated that he let go of her and that they both stood up. Renko stated that he applied force to the victim in this manner because he did not want to hit her. The victim then left his apartment.

In the field, Renko was determined to be the dominant aggressor due to his deliberate application of force upon the victim via a carotid restraint, a police take-down method. Renko's firearms were taken for safekeeping and LASD was notified.

The 911 call was included with the package submitted for filing consideration. At the beginning of the 911 call, the victim was distraught and stated that her boyfriend had choked her. She described it as a "sleeping choke" and that she had passed out. She declined a paramedic response. As the call progressed, the victim became more calm and stated, "I think I'm gonna get in trouble if I finish this report." She also expressed concern that Renko was going to contact her at her work. During the 911 call, the victim stated that Renko asked her not to call the cops and that he was afraid he was going to lose his job. This part is not audible on the 911 recording. Renko attempted to get her to return to his apartment. It was during the 911 call that Renko left in his vehicle and drove to PIH.

At the time Renko left for the hospital, it was clear that he knew that law enforcement intervention was inevitable. Based on his experience with his 2005 domestic violence incident, it was also clear to him that it was imperative that his "injuries" be documented. Hence his trip to the PIH emergency room for injuries that did not appear to require any meaningful medical treatment. This would serve to characterize him as a "victim" and give legal "justification" for his use of force upon the victim.

Filing declined. There is insufficient evidence to establish that Renko and the victim were not engaged in mutual combat, and that his use of force was not unlawful (legally justified).

COMPLAINT DEPUTY (print)	COMPLAINT DEPUTY (SIGNATURE)	STATE BAR NO.	REVIEWING DEPUTY (SIGNATURE)
PAUL L. MINNETIAN	[signature]	150342	

…have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

…LING OFFICER (PRINT): S LOPEZ FILING OFFICER (SIGNATURE): ______ SERIAL #: 862

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus B. Lack of Sufficient Evidence C. Inadmissible Search/Seizure	D. Victim Unavailable/Declines To Testify E. Witness Unavailable/Declines to Testify F. Combined with Other Counts/Cases G. Interest of Justice	H. Other (indicate the reason in Comments section) I. Referred to Non-California Jurisdiction J. Deferred for Revocation of Parole K. Further Investigation	L. Prosecutor Prefiling Deferral *DISTRICT ATTORNEY'S REASON CODES* M. Probation Violation filed in lieu of N. Referred to City Attorney for Misdemeanor Consideration